

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

Martha Jane Toy, individually, and as Executrix and Personal)	
Representative of the Estate of Russell B. Toy, deceased,)	
)	
Plaintiffs,)	
)	
v.)	C.A. No. 05-cv-1814
Plumbers & Pipefitters Local Union No. 74 Pension Plan,)	
Trustees of Plumbers & Pipefitters Local Union No. 74)	
Pension Plan, Health and Welfare Plan, Local 74, Welfare)	
Benefit Plan, Life Insurance Plan, Local 74, Welfare Benefit)	
Plan, Life Insurance Plan, Local 74, Insurance Plan,)	
Administrators of Pension and Welfare Plans, Trustees of)	
Plumbers & Pipefitters Local Union No. 74 Welfare Plan, Plan)	
Administrator of Pension & Welfare Plans, Insurance Plans,)	
and Health and Welfare Benefit Plan,)	
)	
Defendants.)	

**PLUMBERS & PIPEFITTERS LOCAL UNION NO. 74 PENSION PLAN, et. al.
MOTION TO: [1] DISMISS ACTION FOR FAILURE TO STATE A CLAIM, [2]
DISMISS ACTION FOR IMPROPER VENUE, OR, IN THE ALTERNATIVE
[3]TRANSFER ACTION TO THE DISTRICT OF DELAWARE**

Defendants Plumbers & Pipefitters Local Union No. 74, et al., by and through their undersigned attorneys and pursuant to Fed. R. Civ. P. 12(b)(6), and 12(b)(3), hereby move the Court to dismiss the Complaint against them for failure to state a claim upon which relief can be granted, for improper venue, or, in the alternative, to transfer the action to the District of Delaware. The grounds for this motion are set forth more fully in the accompanying brief filed herewith.

WHEREFORE, Defendants respectfully request that the Court enter the attached order dismissing the Complaint against them or transfer the action to the District of Delaware.

Young, Conaway, Stargatt & Taylor, LLP

s/ Timothy J. Snyder

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Counsel for Defendants

Dated: July 5, 2005

CERTIFICATE OF SERVICE

I, Timothy J. Snyder, Esquire hereby certify that on this 5th day of July, 2005, I caused of the foregoing documents to be served on the following counsel of record in the manners noted below. The document is available for viewing and downloading from the ECF system.

BY E-FILING AND FEDERAL EXPRESS

William, B. Hildebrand, Esq.
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s/ Timothy J. Snyder
Timothy J. Snyder (No. 35059)